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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,945	04/15/2004	Thomas A. Gentles	1842.046US1	7283

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EXAMINER	
KIM, ANDREW	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,945	GENTLES ET AL.	
	Examiner	Art Unit	
	ANDREW KIM	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/28/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 10, 13-15, 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinek et al (US 7,043,641).

Claims 1, 10, 14. Martinek discloses a method, performed by a gaming system server, comprising:

forming a first authentication data set, which includes an encrypted version of a first software program component combined with a seed value (5:20-6:10, 6:24-37); the seed value is simply the public or private key

transmitting the seed value over a communication network to a gaming terminal (5:20-6:10, 6:24-37);

receiving, from the gaming terminal, a second authentication data set, which includes

an encrypted version of a second software program component and the seed value (5:20-6:10, 6:24-37);

performing an authentication routine of an executable gaming software program, by exchanging messages with a gaming terminal over a communication network, wherein the authentication routine compares the second authentication message to the first authentication data set (abstract, fig. 3 and 4 along with the related description, 5:20-6:10, 6:24-37); and

authenticates the second software program component if the first authentication data set is substantially identical to the second authentication data set (5:20-6:10, 6:24-37).

Claim 2. Martinek discloses wherein the first authentication data set and the second authentication data set comprise message digests (5:20-6:67).

Claim 13. Martinek discloses wherein the gaming system server initiates taking the gaming terminal out of service when the first message digest is not substantially identical to the second message digest (9:25-35).

Claims 15, 17, 20-22. Martinek discloses in a gaming system having a plurality of gaming devices interconnected by a communication network, a method comprising:

a first gaming device remotely authenticating a first software program component within a second gaming device that is remotely located from the first gaming device, wherein

remote authentication is performed by selecting a seed value generated by a random number generator (5:20-6:10, 12:4-59);

appending the seed value to a second software program component to form a combined second software program, the second software program component substantially equivalent to the first software program component (5:20-6:10, 12:4-59);

applying a cryptographic method to the combined second software program to form a first message digest (5:20-6:10, 12:4-59);

transmitting the seed value to the second gaming device having the first software program component (5:20-6:10, 12:4-59);

receiving a second message digest from the second gaming device, the second message digest formed by applying the cryptographic method to a combined first software program component, the combined first software program component formed by appending the seed value to the first software program component (5:20-6:10, 12:4-59);

comparing the second message digest to the first message digest; and authenticating the first software program component if the first message digest is substantially identical to the second message digest (5:20-6:10, 12:4-59).

Claim 18. Martinek discloses wherein the first gaming device includes a server in a jurisdictional data center, and wherein the second gaming device includes a gaming terminal in a casino customer network (9:37-10:29).

Claim 19. Martinek discloses wherein the first gaming device includes a server in a casino customer corporate center, and wherein the second gaming device includes a gaming terminal in a casino customer network associated with the casino customer corporate center (abstract, 9:37-10:29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinek et al (US 7,043,641) in view of Davis et al. (US 2002/0136426 A1).

Claim 5. Martinek substantially discloses the invention as claimed but fails to explicitly teach gathering forensic data on non authentic gaming terminals. However, in an analogous reference, Davis teaches gathering forensic data to evidence illicit use of

a computer system or device. Therefore, it would have been obvious to one or ordinary skill in the art at the time of the instant invention to modify Martinek with forensic data capabilities to evidence illicit use of a computer system or device.

Claim 6. Receiving a seed value (5:20-6:67).

Claim 7. forming a first message digest, which includes an encrypted version of a first software program component combined with a seed value (5:20-6:10);

transmitting the seed value over a communication network to a gaming terminal (5:20-6:10);

Claim 8. appending the seed value to a second software program component to form a combined second software program, the second software program component substantially equivalent to the first software program component (5:20-6:10, 12:4-59);

applying a cryptographic method to the combined second software program to form a first message digest (5:20-6:10, 12:4-59);

Claim 9. Martinek substantially discloses the invention as claimed but fails to explicitly teach transmitting the seed value over a virtual private network as claimed. Instead, Martinek teaches networks with encryption capability (11:35-48). However, one of ordinary skill in the art would have seen the benefit of modifying Martinek with transmitting the seed value over a virtual private network to insure the security, authenticity, and validity of the data being exchanged between the gaming terminal and the gaming server and to increase the remote capability of the system. Therefore, it would have been obvious to one or ordinary skill in the art at the time of the instant

invention to modify Martinek with transmitting the seed value over a virtual private network to insure privacy, authentication, and to enhance the remote capability of the system.

Claims 3, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinek et al (US 7,043,641) in view of Obviex.

Claims 3, 11. The method of claim 2, wherein forming the first authentication data set comprises:

generating the seed value by a random number generator; appending the seed value to the first software program component to form a combined first software program, the first software program component assumed to be substantially equivalent to the second software program component; and applying a cryptographic method to the combined first software program to form the first authentication data set (5:20-6:67).

Martinek substantially discloses the invention as claimed but fails to explicitly state that the seed value is generated by a random number generator. Instead, Martinek teaches the seed value to be a public or private key. However, in an analogous security reference, Obviex teaches salting the hash which entails appending a random number to data before hashing the data. This help reduce the risk of dictionary attacks. Therefore, it would have been obvious to one of ordinary skill in the art to the modify Martinek with salting the hash as desirably taught by the Obviex reference.

Claims 4, 12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinek et al (US 7,043,641).

Claims 4, 12, 16. Martinek substantially discloses the invention as claimed but fails to explicitly teach transmitting the seed value over a virtual private network as claimed. Instead, Martinek teaches networks with encryption capability (11:35-48). However, one of ordinary skill in the art would have seen the benefit of modifying Martinek with transmitting the seed value over a virtual private network to insure the security, authenticity, and validity of the data being exchanged between the gaming terminal and the gaming server and to increase the remote capability of the system. Therefore, it would have been obvious to one or ordinary skill in the art at the time of the instant invention to modify Martinek with transmitting the seed value over a virtual private network to insure privacy, authentication, and to enhance the remote capability of the system.

Response to Arguments

Applicant's arguments filed 8/28/08 have been fully considered but they are not persuasive.

Regarding the seed value limitation, the Examiner respectfully asserts that the seed value is simply the private or public key encrypted along with the data before it is transmitted or compared.

Applicant's arguments with respect to claims 5-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/A. K./ 12/10/2008
Examiner, Art Unit 3714